

### **REMARKS**

This responds to the arguments presented in the Final Office Action mailed on February 5, 2009.

Claims 1 and 14 are amended, no claims are canceled or added; as a result, claims 1-12 and 14-25 remain pending in this application. The amendments to claims 1 and 14 correct minor typographical errors and are not related to an art based rejection.

#### **§ 112 Rejection of the Claims**

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been amended such that the term “service information” is introduced only once and following uses are indicated by “the service information.” Applicant respectfully submits that the amendment overcomes the rejection and respectfully requests reconsideration and withdrawal of the rejection.

Claim 14 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 14 has been amended to replace “event service” with “message director service”, which has sufficient antecedent basis. Applicant respectfully submits that the amendment overcomes the rejection and respectfully requests reconsideration and withdrawal of the rejection.

#### **§ 103 Rejection of the Claims**

Claims 1-10, 12, 14-23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1, hereinafter “Drummond”) in view of Gatto (U.S. Patent No. 6,916,247, hereinafter “Gatto”) and further in view of Web Services Architecture, W3C Working Draft 14 November 2002 (hereinafter “Web Services Architecture”). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2)

differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully traverses the rejection because the claims recite elements not found in the combination of Drummond, Gatto and Web Services Architecture. For example, claim 1 recites "determining by the discovery agent if the message director service is authentic and authorized." Claim 14 recites similar language. Applicant has searched Drummond and can find no use of the terms "authentic," "authentication," "authorized," "authorization" or variants thereof. Thus Drummond does not make any explicit disclosure of authorization or authentication of any kind.

However, the Office Action states that Drummond, at paragraph [0128], lines 5-20 teaches that a "lookup service can determine if service's transactions are "authorized" by requiring the negotiation of a new lease." Applicant respectfully disagrees with this interpretation of Drummond. Applicant notes that the Office Action refers to authorizing service transactions. Applicant's claims recite authorizing the service itself, not service transactions. Further, there is no authorization inherent in the "lease" of Drummond. Rather, a service merely "registers" with the lookup service to obtain a lease. There is no disclosure in Drummond of authorizing a service before a lease is granted. Rather the lease merely "expires" after a certain amount of time. Such expiration implies that the "lease" in Drummond is expired for resource

related reasons, not for any authorization purposes. Thus Drummond fails to teach determining by a discovery agent if the message director service is authorized for a gaming network.

Further, the Office Action states that "services are "authentic" if they are registered." Applicant respectfully disagrees. The mere fact that a service is registered does not in any way imply the service is authentic. An inauthentic service may provide false information and register with a lookup service. There is no teaching or suggestion in Drummond that such registration of an inauthentic service would be checked and rejected. Thus Drummond fails to teach "determining by the discovery agent if the message director service is authentic"

Further, Applicant has reviewed Gatto and Web Services Architecture and can find no teaching or disclosure of "determining by the discovery agent if the message director service is authentic and authorized" as recited in claims 1 and 14.

For the above reasons, claims 1 and 14 recite elements not found in the combination of Drummond, Gatto and Web Services Architecture. Therefore there are differences between the claims at issue and the cited combination. In view of these differences, claims 1 and 14 are not obvious in view of the combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1 and 14.

Claims 2-10 and 12 depend from claim 1 and claims 15-23 and 25 depend from claim 14. These dependent claims inherit the elements of their respective base claims 1 and 14, including elements directed to determining by the discovery agent if the message director service is authentic and authorized. Thus claims 2-10, 12, 15-23 and 25 are not obvious in view of the combination of Drummond, Gatto and Web Services Architecture for at least the same reasons as discussed above regarding claims 1 and 14. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-10, 12, 15-23 and 25.

Claims 11 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1) in view of Gatto (U.S. Patent No. 6,916,247) and further in view of Web Services Architecture, W3C Working Draft 14 November 2002, as applied to claims 10 and 14 above and further in view of Brown (U.S. Publication No. 2003/0110242). Claim 11 depends from claim 1 and claim 24 depends from claim 14. These dependent claims inherit the elements of their respective base claims 1 and 14, including elements directed to determining by the discovery agent if the message director service is

authentic and authorized. As discussed above, the combination of Drummond, Gatto and Web Services Architecture fails to teach or suggest such elements. Further, Applicant has reviewed Brown and can find no teaching of suggestion of determining by the discovery agent if the message director service is authentic and authorized. Therefore the combination of Drummond, Gatto, Web Services Architecture and Brown fails to teach or suggest each and every element of claims 11 and 24, including elements inherited by the claims. As a result, claims 11 and 24 are not obvious in view of the combination. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 11 and 24.

### CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application.

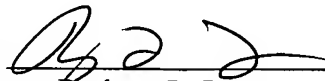
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date December 7, 2009

By




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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 7, 2009.

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